

BOARD OF APPEALS CASE NO. 5188

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BEFORE THE

APPLICANTS: Scott & Donna Gounaris

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ZONING HEARING EXAMINER

**REQUEST: Variances to allow a 4 foot by 8 foot
free-standing sign in the Agricultural District;
2128 Fallston Road, Fallston**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 10/24/01 & 10/31/01

HEARING DATE: December 10, 2001

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Record: 10/25/01 & 11/2/01

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Scott and Donna Gounaris are requesting a variance pursuant to Section 219-13D(1) of the Harford County Code to allow a professional freestanding sign to exceed two (2) square feet in area (request is for a sign 4 feet by 8 feet or 36 square feet - a sign 18 times larger than allowed) in an AG/ Agricultural District.

The subject parcel is located at 2128 Fallston Road and is more particularly identified on Tax Map 47, Grid 2D, Parcel 280. The parcel consists of 3.24 acres, is zoned AG/Agricultural and is entirely within the Fourth Election District.

This property received approval for special exception use as a veterinary hospital with pet grooming pursuant to Board of Appeals Case 4758. The Applicant, Scott Gounaris appeared and testified that he wants to place a sign on the parcel that will be big enough for motorists to see long before they need to turn into the property. The parcel is along Mountain Road, MD Route 152 where speeds are posted at 50 mph and, according to the witness, the slope of the adjacent property coupled with the road setback requirements mandate that the sign be large enough to be seen by motorists when it sits 140 feet from the right of way on Mountain Road. The property to the east of the Applicant's is at a higher elevation and blocks the Applicant's property from view until a passerby is directly adjacent to the hospital building. There is also a driveway that leads to adjacent residential properties that the Applicant is trying to lead motorists away from and to the hospital drive.

Case No. 5188 – Scott & Donna Gounaris

The witness described wetlands located between the hospital building and the right-of-way that will require any sign to be placed 140-150 feet off of Mountain Road. The witness points out that the proposed sign will be lighted by downward pointing lights and is consistent in size and appearance with allowed residential development entrance signage. The witness did not think any adverse impact would result from the size increase of the sign.

The Department of Planning and Zoning agrees with the Applicant that the topography of the property and adjacent properties coupled with the presence of wetlands and proximity to relatively high speed highway, all combine to create a unique topographical condition requiring a sign of larger dimension than that allowed by the Code. According to the Department, the size requested is appropriate, is compatible with other signs in the area, and will not adversely impact the intent of the code or the neighborhood.

Section 219-13D(1) of the Harford County Code provides:

“Professional or home occupation signs. One (1) lighted sign, not exceeding two (2) square feet in area, on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than ten (10) feet from the road right of way.”

Section 219-17 provides:

“The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”


The Hearing Examiner agrees with the Applicant and the Department of Planning and Zoning. The topographical configuration of the property is unique. It is blocked from view to the east. The presence of wetlands coupled with setback requirements require any sign to be 140-150 away from the roadbed. Passersby are traveling at posted speeds of 50 mph and need to be directed to the parcel as quickly as practical. There is also a need to divert drivers away from an adjacent residential driveway.

Case No. 5188 – Scott & Donna Gounaris

The Hearing Examiner recommends approval of the request subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections.
2. The sign not exceed 36 square feet in size and must be mounted no higher than 2 feet off the ground.
3. Lighting be downward to sign and not backlit or utilize direct frontal spotlighting.
4. Sign shall not be lit between the hours of 9:00 p.m. and 7:00 a.m.

Date JANUARY 15, 2002



William F. Casey
Zoning Hearing Examiner